

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DR. ALAN SACERDOTE et al.,

*Plaintiffs,*

v.

NEW YORK UNIVERSITY,

*Defendant.*

1:16-cv-06284-RWS

ECF Case

**DECLARATION OF JEROME J.  
SCHLICHTER**

I, Jerome J. Schlichter, hereby declare as follows:

1. I am the founder and managing partner of the law firm of Schlichter, Bogard & Denton, LLP, counsel for Plaintiffs in this case. I am familiar with the facts set forth below and able to testify to them. I respectfully submit this Declaration in support of Plaintiffs' Motion to Vacate Judgment and for New Trial.

2. Attached hereto as Exhibit 1 is a true and correct copy of Sara Randazzo, *Judge Who Oversaw Silk Road Case Rejoins Cravath*, WALL ST. J. (Sept. 12, 2018), <https://www.wsj.com/articles/judge-who-oversaw-silk-road-case-rejoins-cravath-1536746401>.

3. Attached hereto as Exhibit 2 is a true and correct copy of Rick Archer, *Former SDNY Judge Katherine Forrest Rejoins Cravath*, LAW360 (Sept. 12, 2018), <https://www.law360.com/articles/1082030/former-sdny-judge-katherine-forrest-rejoins-cravath>.

4. Attached hereto as Exhibit 3 is a true and correct copy of the current Cravath, Swaine & Moore LLP ("Cravath") website biography of Evan R. Chesler, <https://www.cravath.com/echesler/>, as of September 27, 2018.

5. Attached hereto as Exhibit 4 is a true and correct copy of the Cravath website biography of Evan R. Chesler as of June 2010, <https://web.archive.org/web/20100628111113/http://www.cravath.com:80/echesler/>.

6. Attached hereto as Exhibit 5 is a true and correct copy of Harris Mateen, *Potential NYU Chairman Evan Chesler Talks The Past And Future of NYU*, NYULocal (May 8, 2014), <https://nyulocal.com/potential-nyu-chairman-evan-chesler-talks-the-past-and-future-of-nyu-51db7f778246>.

7. Attached here to as Exhibit 6 is a true and correct copy of Geraldine Fabrikant, *The Power Broker of N.Y.U.*, N.Y. TIMES (April 11, 2014), <https://www.nytimes.com/2014/04/13/education/edlife/the-power-broker-of-nyu.html>.

8. Attached hereto as Exhibit 7 is a true and correct copy of James Covert, *Insurance tycoon gets nod to chair NYU board of trustees*, N.Y. POST (June 12, 2014), <https://nypost.com/2014/06/12/insurance-tycoon-gets-nod-to-chair-nyu-board-of-trustees/>.

9. Attached hereto as Exhibit 8 is a true and correct copy of the Charter of New York University as amended and restated December 13, 2011, <https://www.nyu.edu/content/dam/nyu/generalCounsel/documents/NYU-Charter-CURRENT-2011-12-13.pdf>.

10. Attached hereto as Exhibit 9 is a true and correct copy of Bylaws of New York University, Amended and Restated: Effective June 13, 2018, <https://www.nyu.edu/content/dam/nyu/generalCounsel/documents/University-Bylaws-Effective-6-13-2018.PDF>.

11. Attached hereto as Exhibit 10 is a true and correct copy of the website the Committees of the NYU Board of Trustees, <https://www.nyu.edu/about/leadership-university-administration/board-of-trustees/committees.html>

12. Attached hereto as Exhibit 11 is a true and correct copy of an excerpt of Exhibit 10 showing Evan Chesler as a member on the Finance Committee of the NYU Board of Trustees.

13. Attached hereto as Exhibit 12 is a true and correct copy of Doc. 258-88, Resolution of the Executive Committee of the Board of Trustees of New York University, dated April 20, 2009, which was admitted at trial as exhibit PX0533.

14. Attached hereto as Exhibit 13 is a true and correct of Doc. 121-16, Retirement Plan Committee Charter, effective January 23, 2012, amended September 28, 2012, an identical version of which was admitted at trial as exhibit PX1210.

15. Attached hereto as Exhibit 14 is a true and correct copy of an excerpt of Doc. 321, Pt. 2, Plaintiffs' Closing Argument Slides.

16. Attached hereto as Exhibit 15 is a true and correct copy of an excerpt of the Trial Declaration of Dr. Gerald W. Buetow, filed herein at Doc. 272-15.

17. Attached hereto as Exhibit 16 is a true and correct copy of *The Members of the NYU Presidential Search Committee* (July 2, 2014), <https://www.nyu.edu/about/leadership-university-administration/board-of-trustees/the-members-of-the-ny-presidential-search-committee.html>.

18. Attached hereto as Exhibit 17 is a true and correct copy of *The Appointment of Andrew Hamilton as 16th President of NYU* (Mar. 18, 2015), <https://www.nyu.edu/about/leadership-university-administration/board-of-trustees/the-appointment-of-andrew-hamilton-as-the-16th-president-of-nyu.html>.

2. Attached hereto as Exhibit 18 is a true and correct copy of *NYU Launches \$1 Billion Campaign For Scholarship Aid* (Oct. 19, 2013), <https://www.nyu.edu/about/news-publications/news/2013/october/nyu-launches-1-billion-campaign-for-scholarship-aid.html>

3. Attached hereto as Exhibit 19 is a true and correct copy of Melanie Grayce West, *Paying It Backward: NYU Alum Funds Scholarships*, WALL STREET JOURNAL (Oct. 17, 2013), <https://www.wsj.com/articles/paying-it-backward-nyu-alum-funds-scholarships-1382060219>.

4. Attached hereto as Exhibit 20 is a true and correct copy of NYU Presidential Communications, *The Momentum Campaign to Raise Funds for Financial Aid* (Oct. 3, 2013), <https://www.nyu.edu/about/leadership-university-administration/office-of-the-president/communications/the-momentum-campaign-to-raise-funds-for-financial-aid.html>.

5. Attached hereto as Exhibit 21 is a true and correct copy of *Momentum, A Scholarship Campaign for NYU, The Mission*, <https://www.nyu.edu/about/giving/momentum/mission.html>.

6. Attached hereto as Exhibit 22 is a true and correct copy of *Momentum: A Scholarship Campaign for NYU*, <https://www.nyu.edu/content/dam/nyu/univDvlpmntAlumRltns/documents/giving/momentum/momentum-brochure.pdf>.

7. Attached hereto as Exhibit 23 is a true and correct copy of Report from the first meeting of the Joint Committee of NYU Stakeholders (Nov. 6, 2013), <https://www.nyu.edu/about/leadership-university-administration/board-of-trustees/report-from-the-first-meeting-of-the-joint-committee-of-nyu-stakeholders.html>.

8. Attached hereto as Exhibit 24 is a true and correct copy of NYU Law, Board of Trustees, <http://www.law.nyu.edu/about/trustees>.

9. Attached hereto as Exhibit 25 is a true and correct copy of *A Blue Chip Change Agent*, NYU Law Magazine (Sept. 6, 2012), <https://blogs.law.nyu.edu/magazine/2012/a-blue-chip-change-agent/>.

10. Attached hereto as Exhibit 26 is a true and correct copy of Peter Lattman, *N.Y.U. Law Plans Overhaul of Students' Third Year*, THE NEW YORK TIMES (Oct. 16, 2012), <https://dealbook.nytimes.com/2012/10/16/n-y-u-law-plans-overhaul-of-students-third-year/?mtrref=www.google.com&gwh=3AA83ACB208BC985A4661F0804F43182&gwt=pay>.

11. Attached hereto as Exhibit 27 is a true and correct copy of N.Y.U. School of Law Board of Trustees Strategy Committee, *Report and Recommendations* (Oct. 5, 2012), [http://www.law.nyu.edu/sites/default/files/ECM\\_PRO\\_073898.pdf](http://www.law.nyu.edu/sites/default/files/ECM_PRO_073898.pdf).

12. Attached hereto as Exhibit 28 is a true and correct copy of *Trevor Morrison, constitutional scholar, named 17th dean of NYU School of Law* (Apr. 4, 2013), [http://www.law.nyu.edu/news/trevor\\_morrison\\_new\\_dean](http://www.law.nyu.edu/news/trevor_morrison_new_dean).

13. Attached hereto as Exhibit 29 is a true and correct copy of NYU Law Institute of Judicial Administration, Board of Advisors, <http://www.law.nyu.edu/centers/judicial/boardofdirectors>

14. Attached hereto as Exhibit 30 is a true and correct copy of Katherine Forrest's Cravath website biography, <https://www.cravath.com/kforrest/>.

15. Attached hereto as Exhibit 31 is a true and correct copy of an excerpt from Charles D. Ellis, *What it Takes: Seven Secrets of Success from the World's Greatest Professional Firms* at 72, Wiley & Sons, Inc. (Feb. 11, 2013).

16. Attached hereto as Exhibit 32 is a true and correct copy of *In re: Aimster Copyright Litig.*, 334 F.3d 643 (7th Cir. 2003), from <https://law.justia.com/cases/federal/appellate-courts/F3/334/643/636193/>.

17. Attached hereto as Exhibit 33 is a true and correct copy of excerpt from a Reply Memorandum filed in *In re: Aimster Copyright Litig.*, No. 01-8933 (N.D.Ill. Feb. 28, 2002), [https://www.eff.org/files/file/Aimster/district\\_plaintiff\\_reply\\_brief.pdf](https://www.eff.org/files/file/Aimster/district_plaintiff_reply_brief.pdf).

18. Attached hereto as Exhibit 34 is a true and correct copy of Erin Geiger Smith, *The 10 Most Powerful Partners at Cravath* (Feb. 10, 2010), <https://www.businessinsider.com/the-10-most-powerful-partners-at-cravath-2010-2?op=1>.

19. Attached hereto as Exhibit 35 is a true and correct copy of an excerpt from Hrg. 112-72, Pt. 3, Confirmation Hearings on Federal Appointments (June – July 2011), <https://ia601604.us.archive.org/15/items/gov.gpo.fdsys.CHRG-112shrg76350/CHRG-112shrg76350.pdf>.

20. Attached hereto as Exhibit 36 is a copy of Katherine B. Forrest's responses to United States Senate Committee on the Judiciary, Questionnaire for Judicial Nominees, <https://ia601604.us.archive.org/15/items/gov.gpo.fdsys.CHRG-112shrg76350/CHRG-112shrg76350.pdf>.

21. Attached hereto as Exhibit 37 is a true and correct copy of excerpts from the Deposition of Mark Crispin Miller taken on November 15, 2017.

22. Attached hereto as Exhibit 38 is a true and correct copy of Colby Hamilton, *U.S. Judge Katherine Forrest Retiring From Federal Bench in Manhattan*, N.Y. LAW J. (July 18, 2018), <https://www.law.com/newyorklawjournal/2018/07/18/us-judge-katherine-forrest-retiring-from-federal-bench-in-manhattan/?slreturn=20180825140312>.

23. Attached hereto as Exhibit 39 is a true and correct copy of Pete Brush, *SDNY Judge Forrest, Known For Tough Sentences, To Retire*, LAW360 (July 18, 2018), <https://www.law360.com/articles/1064626/sdny-judge-forrest-known-for-tough-sentences-to-retire>.

24. Attached hereto as Exhibit 40 is a true and correct copy of Kathryn Rubino, *Breaking: S.D.N.Y. Judge Forrest is Leaving the Bench*, Above the Law (July 18, 2018), <https://abovethelaw.com/2018/07/breaking-s-d-n-y-judge-katherine-forrest-is-leaving-the-bench/>.

25. Attached hereto as Exhibit 41 is a true and correct copy of *Katherine B. Forrest, Former U.S. District Judge For The Southern District Of New York, Rejoins Cravath* (Sept. 12, 2018), [https://www.cravath.com/files/Uploads/Documents/publications/2483169\\_1.PDF](https://www.cravath.com/files/Uploads/Documents/publications/2483169_1.PDF).

26. Attached hereto as Exhibit 42 is a true and correct copy of Anne Tergeson, *Judge Rules for NYU in \$358 Million Retirement Fees Case*, WALL ST. J., July 31, 2018, <https://www.wsj.com/articles/u-s-judge-rules-for-nyu-in-358-million-retirement-fees-case-1533078966>.

27. Attached hereto as Exhibit 43 is a true and correct copy of Tara Siegal Bernard, *N.Y.U. Prevails in Case That Said It Let Retirement Plans Reap Excess Fees*, N.Y. TIMES, (Aug. 1, 2018), <https://www.nytimes.com/2018/08/01/business/nyu-employee-retirement-plans.html>.

28. Attached hereto as Exhibit 44 is a true and correct copy of John F. Wasik, *Finding and Battling Hidden Costs of 401(k) Plans*, N.Y. TIMES, (Nov. 7, 2014), <https://www.nytimes.com/2014/11/08/your-money/hidden-costs-of-401-k-plans.html>.

29. Attached hereto as Exhibit 45 is a true and correct copy of John Coumarianos, *Why You Should Check Your 401(k) Plan's Fees*, WALL ST. J. (Nov. 8, 2015), <https://www.wsj.com/articles/why-you-should-check-your-401-k-plans-fees-1447038127>.

I declare under the penalty of perjury of the United States of America that the foregoing is true and correct.

Dated: October 1, 2018

/s/ Jerome J. Schlichter

Jerome J. Schlichter